



## STATE OF MONTANA DEPARTMENT OF REVENUE JOB PROFILE

**Working Title**

Bankruptcy Specialist Lead

**Job Code Title**

Program Specialist

**Pay Band**

5b

**Job Code Number**

131235

**Citizen Services and Resource Management Division**

Collections Bureau

Bankruptcy Unit

**Fair Labor Standards Act**

Non-Exempt

The Montana Department of Revenue administers more than 30 state taxes and fees; establishes values for taxable property, including agricultural land, residential real estate, commercial real estate, forest land, business equipment, railroads and public utilities; supervises the operation of the state agency liquor stores and administers the laws governing the sale, taxation, and licensing of alcoholic beverages and tobacco products; returns unclaimed property to its rightful owners; and determines how state taxes and liquor and tobacco laws apply to Indian Tribes and tribal members in Indian Country.

The Citizen Services and Resource Management Division (CSRM) administers the accounting, purchasing, safety, security, and statewide facility functions. The division also administers the call center, forms design, one-stop business licensing coordination, receipt and distribution of unclaimed property, and collections and bankruptcy functions. The Citizen Services and Resource Management Division includes the Financial and Asset Management Bureau, the Citizen Services Bureau, and the Collections Bureau. The Collections Bureau is responsible for the daily management of accounts receivable and collections. Services include establishing taxpayer payment plans, legal collection activity, phone collections, management of the state's bad debt program, and bankruptcy functions. The bureau includes the Collections Unit and the Bankruptcy Unit.

**Job Responsibilities**

The Bankruptcy Specialist Lead coordinates and assists in managing the bankruptcy program for the department and is responsible for the most complex bankruptcy cases. This includes independent work involving statutory and case law research, rule and policy development, legal analysis and planning, and pre-trial or hearing preparation. The incumbent participates in legal proceedings as a client, witness, and member of a team that may consist of attorneys, paralegals, and expert witnesses. The position reports to the Bankruptcy Unit Manager and leads other employees involved in bankruptcy cases.

- **Bankruptcy Investigations 30%**

1. Performs extensive investigations into bankruptcy filings to determine if the individual or entity owes taxes to Montana and to locate attachable assets to satisfy tax claims. This involves researching multiple databases. May require cross-referencing information obtained from sources outside of the department to locate records of unreported income subject to taxation, as well as working extensively in the department's integrated tax system on bankruptcy accounts.
2. Analyzes and evaluates legal pleadings, documents, and correspondence in complex bankruptcy cases to ensure all applicable statutory and court requirements are met. This involves analysis of federal and state Rules of Civil Procedure and judicial policies relative to the circumstances of individual cases.

3. Develops detailed case analyses and formulates case strategies and research plans for specific cases. Develops strategies for discovery, negotiation, settlement, and litigation based upon applicable theories of law and other available remedies.
  4. Summarizes research results including sources, findings, cross-references, citations, and other relevant components and compiles and composes appropriate documents. Provides memoranda to attorneys regarding facts, issues, applicable rules, analyses, and recommendations on which direction, as client, the case should proceed.
- **Hearings and Examinations 40%**
    1. Drafts reports, correspondence, and other documents for hearings or examinations. Ensures that documents comply with formatting and style requirements. Ensures that filing deadlines are met.
    2. Works with attorney in finalizing discovery documents such as interrogatories and requests for production. Determines relevant information necessary to establish key facts and the questions that will elicit these facts from the debtor. Responds to requests by gathering requested documents and identifying factual information from the case to provide knowledgeable and accurate responses.
    3. Reviews bankruptcy schedules, exhibits, and other documents for hearings in preparation for testifying. May consult with the attorney to determine whether the actions taken are defensible and warrant further action through the bankruptcy process.
    4. Prepares to be a witness for bankruptcy hearings by reviewing exhibits and potential questions.
    5. Attends taxpayer examinations as a member of the unit's bankruptcy team or independently to question individuals on issues of interest.
    6. Works with the attorney in preparing legal strategies for cases. Analyzes each case and discusses legal concerns and possible approaches such as settlement, request for summary judgment, or further pursuit of the case through the judicial process.
  - **Policy Development 10%**
    1. Conducts substantial in-depth analyses and evaluations of legal issues in order to create legal opinions, summaries, and documents for applications having no precedent or guidelines.
    2. Researches and analyzes various sources of information such as federal and state statutes, court decisions, codes, rules, regulations, and other relevant public records using manual and electronic research methods. Researches legislative histories to determine legislative intent in interpreting statutes.
    3. Regularly reviews unit policies to ensure they continue to reflect applicable statutes, codes, rules and regulations. Identifies policies that must be revised as the result of legislative action.
  - **Lead Worker 15%**
    1. Provides lead worker oversight to other staff within the unit. Reviews and advises on staff work plans, priorities, and procedures. Assist in monitoring progress, disseminating data, and in coordinating projects through meetings and consultations.
    2. Assists in planning and assigning work and keeping accounts in compliance with quality, quantity, and other standards.
    3. Evaluates cases, research requests, policy initiatives, agency and client obligations, and other work requests to plan and allocate workload among staff. Coordinates work allocations according to priorities, staff competencies, and statutory timelines.
    4. Assists in evaluating workflow processes, efficiencies, and problems to identify the most effective use of staff and material resources to meet work unit goals and project objectives.
    5. Provides input to the unit manager on position descriptions and performance standards. Relays information regarding staff performance based on observable and measurable appraisal standards.
    6. Participates in recruitment and selection by participating in interviews and recommending hiring.

- **Other Duties as Assigned 5%**

1. Performs a variety of other duties as assigned by supervisor.

### **Job Requirements**

To perform successfully as a Bankruptcy Specialist Lead the incumbent must be self-motivated; possess a strong work ethic; maintain a positive attitude; and enjoy working with, and for, the public. Skills in multi-tasking; paying attention to details and accuracy; accountability; managing multiple priorities under tight deadlines; providing timely and effective written, verbal, and interpersonal communication; customer service; conflict resolution; following written and oral directions and instructions; and word processing, spreadsheet, database, and specialized legal software applications are required. Also requires skills in compiling, organizing, and managing information; investigative report writing; project and case management; and conducting both manual and electronic legal research. The incumbent is required to act professionally in difficult settings; analyze situations, and make decisions. This position works with highly confidential financial and tax information and is required to maintain the highest level of confidentiality regarding all information acquired or used in performing this job.

This position requires knowledge of case management practices; Federal Rules of Civil Procedure; United States Bankruptcy Code and Rules, Montana Rules of Civil Procedure; administrative and court rules; legal and technical research standards and procedures; statutes and legislative histories; a wide range of internal, external, online, and printed sources; the Gentax system; and department operations. It also requires in-depth knowledge of court systems and the life of litigation and fluency in using legal research databases such as Lexis and Westlaw.

- The minimum level of education and job-related work experience needed as a new employee **on the first day** of work is a two-year degree or certificate in legal studies or investigation and four years of job-related work experience.
  - Work experience must include research, investigation, and litigation support experience including one year of specialized experience in bankruptcy.
  - Gentax experience is desirable.
  - Other combinations of education and experience will be evaluated on an individual basis.

### **Department Core Values**

- **Respect:** As a representative of the people of Montana, proceeds with the highest level of respect for the dignity of every person contacted through work. Without exception, all people are treated as equally as possible. The employee is a faithful steward of the resources provided to this agency by the citizens of Montana.
- **Integrity:** Conducts work honestly and makes decisions that establish a clear record that the department serves the public with integrity. Apologizes for mistakes and gives credit to others for their cooperation, work, and ideas in achieving positive results. Accountable for their actions and holds others accountable for theirs. Decisions and judgments achieve equity and justice for all parties involved including citizens and co-workers.
- **Productivity:** Consistently strives to minimize the waste of the department's financial, facilities, and human resources. Diligently works to improve the productivity and effectiveness of the work unit. Welcomes and encourages new ideas on improving the results of the department from the public, other officials, colleagues, and supervisors. Approaches work in a manner that builds goodwill, trust, and cooperation internally with other staff and externally with the public.
- **Teamwork:** Maximizes cooperation and teamwork when working with other employees, divisions, and other state agencies. Willing to work with others for the opportunity to learn from their ideas, talents, and knowledge. Seeks to resolve conflicts with other employees and work units in an open and respectful manner that reinforces teamwork. Celebrates the successes of others.

### **Working Conditions**

Must work under time constraints, be able to maintain numerous projects at one time, and determine priorities on a daily basis. At times, the incumbent will deal with individuals who are angry, hostile, and difficult. This may cause stressful work conditions and a high degree of mental stress. As a Department of Revenue employee, the incumbent may come into contact with highly confidential financial and tax information and is required to maintain the highest level of confidentiality regarding all information acquired or used in performing this job. This position requires considerable computer and keyboard use. The incumbent may spend considerable time on the phone. Work hours may exceed 40 hours per week from time to time. This job requires significant travel in and out of the state, which requires a valid Montana driver's license. Lifting is infrequent, less than 15 pounds and includes carrying light items such as papers and books and carrying larger items such as boxes of files when preparing for or attending examinations and testifying during trials or hearings. This job requires regular attendance as scheduled by the supervisor. This job cannot be performed at an alternate work site.

### **Special requirements**

- Background Examination: Applicants for this position will be subject to a criminal background review before being considered for employment. Individual circumstances involving a criminal conviction will be reviewed to determine an applicant's eligibility for employment.
- Compliance with All Appropriate Montana Tax Laws: An employee's tax status must be current.

**This job profile was produced by the Office of Human Resources in conjunction with the appropriate managers.**

**Division Administrator Review:** The statements in this job profile are accurate and complete.

Signature: Steve Austin, Division Administrator Date: January 2013

**Human Resource Director Review:** The Office of Human Resources has reviewed this job profile.

Signature: JeanAnn Scheuer, Human Resources Director Date: January 2013

**Employee:** My signature below indicates I have read this job profile and discussed it with my supervisor.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Name (print): \_\_\_\_\_